

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

PARKER ANDREWS; JOSEPH N.
BURROWS; LINDA G. FINNELLE;
MICHAEL F. GILLIGAN; LEROY JONAS,
JR.; RICHARD F. MAYER; JOSEPH J.
MCCANN; VERONICA MIXTER; JOSEPH
H. NOVOTNY; EMOGENE N. PRICE;

No. 96-2463

DENISE RANKIN; ADRIAN G. TEEL;
FRANCIS J. ZYLWITIS,
Plaintiffs-Appellees,

v.

ANNE ARUNDEL COUNTY, MARYLAND,
Defendant-Appellant.

PARKER ANDREWS; JOSEPH N.
BURROWS; LINDA G. FINNELLE;
MICHAEL F. GILLIGAN; LEROY JONAS,
JR.; RICHARD F. MAYER; JOSEPH J.
MCCANN; VERONICA MIXTER; JOSEPH
H. NOVOTNY; EMOGENE N. PRICE;

No. 96-2465

DENISE RANKIN; ADRIAN G. TEEL;
FRANCIS J. ZYLWITIS,
Plaintiffs-Appellants,

v.

ANNE ARUNDEL COUNTY, MARYLAND,
Defendant-Appellee.

Appeals from the United States District Court
for the District of Maryland, at Baltimore.
Andre M. Davis, District Judge.
(CA-96-173-AMD)

Argued: May 5, 1997

Decided: June 13, 1997

Before WILKINSON, Chief Judge, and RUSSELL and
WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: David Alan Plymyer, Deputy County Attorney, ANNE ARUNDEL COUNTY OFFICE OF LAW, Annapolis, Maryland, for Appellant. Glen Marshall Cooper, David M. Rothenstein, PALEY, ROTHMAN, GOLDSTEIN, ROSENBERG & COOPER, CHARTERED, Bethesda, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Retired employees who were receiving benefits under Anne Arundel County's retirement plan for appointed and elected officials ("the A & E Plan") sued the county arguing that recent, retroactive, legislative adjustments to the A & E Plan violated Maryland law and the Contract Clause of the United States Constitution. The district court found that Bill 74-95, which increased the retirement age to 60 from 50 and decreased benefits for retirees, violated the Contract Clause, reasoning that the County could not go back on its contract to provide pension benefits absent a financial emergency. The district court,

however, relying on Carter v. Greenhow, 114 U.S. 317 (1885), found that the plaintiffs could not receive attorneys fees because there is no cause of action available under 42 U.S.C. § 1983 for violations of the Contract Clause. Furthermore, the district court found that none of the plaintiffs had standing to challenge bill 61-94, which altered survivor benefits, because none of the plaintiffs had been injured by its application. Lastly, the district court declined to exercise supplemental jurisdiction over plaintiffs' remaining state law claims. Both parties appeal from the district court's decision.

Our review of the record and the appropriate legal standards in this case persuades us that the decision of the district court was correct. We therefore affirm the judgment on the reasoning set forth in the district court's extensive and careful memorandum opinion. Andrews v. Anne Arundel County, 931 F. Supp. 1255 (D. Md. 1996).

AFFIRMED